THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.5945 of 2006

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Dated:31.03.2006

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Between:

Bharanikana Rama Rao, S/o.Nookaraju.

…Petitioner

And

The Registrar, Narsipatnam, Visakhapatnam District, and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5945 of 2006

ORDER:

The petitioner purchased an extent of Acs.158.13 cents of land comprised in Survey Nos.1, 1C, etc., of Jammavaram Village in Golugonda Mandal, Visakhapatnam

District, under an agreement-cum-General Power of Attorney (GPA) from one Datla Sanyasiraju. The agreement of sale-cum-GPA was presented in the office of the first respondent for registration. It is alleged that based on the communication sent by the Mandal Revenue Officer vide RC No.293/2002/D.N.R.O, dated 12.12.2002, the first respondent refused to receive the documents presented for registration. The present Writ Petition is filed for redressal in that regard.

It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 35 and 72 of the Registration Act, 1908 (for short 'the Act') and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Registration Act, 1908. The communication sent by any Revenue Official cannot be based. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the same, this Writ Petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(V.V.S.RAO, J)

31.03.2006

vs